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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/903,567 | 07/13/2001 | Hiroyuki Tanaka | 0102/0169 | 2130 |
| 21395 | 7590 | 05/24/2006 | EXAMINER | |
| LOUIS WOO LAW OFFICE OF LOUIS WOO 717 NORTH FAYETTE STREET ALEXANDRIA, VA 22314 | | | | RUDY, ANDREW J |
| | | ART UNIT | | PAPER NUMBER |
| | | 3627 | | |

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/903,567 | TANAKA ET AL. | |
| | Examiner | Art Unit | |
| | Andrew Joseph Rudy | 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 2-18 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 16, 2006 has been entered.

2. Claims 2-18 remain withdrawn from consideration as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 4, "first means" is indefinite as to what it comprises. No such language is evident from the descriptive portion of the specification.

Claim 1, line 7, "second means" is indefinite as to what it comprises. No such language is evident from the descriptive portion of the specification.

Claim 1, line 9, "third means" is indefinite as to what it comprises. No such language is evident from the descriptive portion of the specification.

Claim 1, line 11, "fourth means" is indefinite as to what it comprises. No such language is evident from the descriptive portion of the specification.

Claim 1, line 13, "the total numbers" lacks antecedent basis and is indefinite as to what it comprises. A singular "total number" was recited from line 4. However, no previously recited plurality of total numbers has been claimed. Thus, the confusion.

Claim 1, line 15, "predicting means" is indefinite as to what it comprises. No such language is evident from the descriptive portion of the specification.

Claim 1, lines 15-20, "articles, which is necessary . . . fourth means" is indefinite and not clear. The sentence is a "run-on" which has no line of demarcation of the features recited therein.

Claim 1, line 21, "display control means" is indefinite as to what it comprises. No such language is evident from the descriptive portion of the specification. Applicant must clarify this entity with "a display controller" from line 2. As it, it appears a redundant claim limitation.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 19, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Aya, US 4,833,608.

Aya discloses an electronic cash register comprising a display, e.g. 3, various memory for storing stocked articles comprising total number of articles previously stored, e.g. 63, a total number of sold articles, e.g. 62, total number of pending articles remaining in stock, and predicting means, e.g. analyzing data 41. It is noted Applicant's claim language is replete with intended use claim language, e.g. for obtaining, that is given less patentable weight than positively recited claim language, e.g. a display controller.

Official Notice is taken that Applicant's intended use claim language are well known parameters used within the product delivery industry that were previously customarily executed by hand. To have provided the memory devices of Aya to have provided the intended use claim language as recited by Applicant would have been obvious to one of ordinary skill in the art.

7. Further pertinent references of interest are noted on the attached PTO-892.

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8. Applicant's Information Disclosure Statement has been reviewed. Note that the Savage, US 6,026,372 was previously cited from the August 3, 2005 PTO-892. Thus, the Savage reference has been lined out. Note attached PTO-1449.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrew Joseph Rudy
Primary Examiner
Art Unit 3627